United States Department of Labor Employees' Compensation Appeals Board

L.F., Appellant))	
and) Docket No. 21-0210	
U.S. POSTAL SERVICE, POST OFFICE, Conroe, TX, Employer)	Issued: April 27, 2022
Appearances: Alan J. Shapiro, Esq., for the appellant ¹	Case Submitted on the Record	ł

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On December 7, 2020 appellant, through counsel, sought an appeal from a July 22, 2020 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0210.

The Board, having duly considered this matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.³ The case record as transmitted to the Board does not contain a final

Office of Solicitor, for the Director

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

³ 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal.⁴ By decision dated July 22, 2020, OWCP's hearing representative vacated the January 15, 2002 decision of OWCP and remanded the case for further development followed by a *de novo* decision. As such this case is in interlocutory posture.⁵ As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal assigned Docket No. 21-0210 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal assigned Docket No. 21-0210 is dismissed.

Issued: April 27, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

⁴ *Id*.

⁵ See 20 C.F.R. § 501.2(c)(2), which provides: "There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case."; see also T.D., Docket No. 19-1506 n.4 (issued November 4, 2020); K.K., Docket No. 19-0652 (issued September 19, 2019).